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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1968 OF 1995

Bank of Baroda Plaintiffs
versus
Dineshbhai M. Thakkar
Prop. M/s.Ravi Sales Defendant

Mr.Jayesh Patel for plaintiffs.

CORAM : A.M.KHANWILKAR, J.

DATE : 25th July 2007

PC :

1. None appears for the defendant though served. No written statement has been filed so far, in spite of the order dated 29th June 2000 setting down this suit for hearing as an undefended suit.

2. In substance, the case of the plaintiff is that the defendant being the proprietor of M/s.Ravi Sales was offered financial assistance in the sum of Rs.1,21,050/- pursuant to his application dated 4th June 1992. The defendant availed of the said over draft facility for the entire amount of Rs.1,21,050/-. The defendant did not repay the amount availed of by him

towards the over draft facility. As a result, at the end of June 1992, the defendant became liable to pay the principal amount of Rs.1,21,050/- plus Rs.74,149/- towards interest at the agreed rate of interest of 20.75% p.a. The defendant accordingly became liable to pay a sum of Rs.1,95,199/- at the time of institution of suit on 25th May 1995. In spite of reminders the defendant did not pay the amount, the plaintiffs were required to file the present suit for the following reliefs :-

(a) that it may be declared by this Hon'ble Court that there is now due and payable by the Defendant to the Plaintiffs a sum of Rs.1,95,199/- as per the particulars of claim (Exhibit "C" hereto) with further interest on Rs.1,21,050/- at the rate of 20,75% p.a. from the date of the filing of the suit till payment.

(b) for costs of the suit.

and

(c) for such further and other reliefs as

the nature and circumstances of the case may require."

3. As mentioned earlier, none appears for the defendant. No written statement has been filed. Obviously, there is no plausible defence available to the defendant. On the other hand, the plaintiffs has filed affidavit of evidence sworn by S.Mutthusundaram who happens to be the Chief Manager of the plaintiff bank. He is present in the Court for examination on oath. Besides, the plaintiffs have filed original documents along with affidavit of documents. The claim of the plaintiff is fortified from the documents which are produced on record. In the circumstances, I proceed to pass order in exercise of powers under Order VIII, Rule 10 of Code of Civil Procedure, 1908 in following terms.

4. ORDER :-

(a) The suit is decreed in terms of prayer clause (a) with costs;

(b) The decree be drawn up accordingly.

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(A.M.KHANWILKAR, J.)